THE INTERNATIONAL CONFERENCE

EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP

8th edition

Pitesti, 8 - 9 May 2015

THE CONFERENCE PROGRAMME
and
THE SYNTHESIS OF THE WORKS

THE INTERNATIONAL CONFERENCE
"EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP"
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THE INTERNATIONAL CONFERENCE
"EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP"
Pitesti, 8 – 9 May 2015

INVITATION

Dear Madame / Sir,
…….

We have the great pleasure to invite you to participate at the "EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP", which will take place at the University of Piteşti, 8th – 9th May, 2015.

Hoping that your participation will be confirmed, we assure you of our sincere consideration.

THE INTERNATIONAL CONFERENCE
"EUROPEAN UNION'S HISTORY, CULTURE AND CITIZENSHIP"
Pitesti, 8 – 9 May 2015

THE CONFERENCE PROGRAMME

Friday, 8 May 2015

Faculty of Law and Administrative Sciences,
Republicii Avenue, no. 71

9^{00} - 9^{30}	**Guests Reception** (Ground floor)
9^{30}- 10^{30}	**Festive Opening – Rector's address and welcome messages on behalf of the local administration representatives** (Room C1)
10^{30}- 11^{30}	**Plenary Session** (Amphitheatre C1)
11^{30} - 12^{00}-	**Coffee Break** (Ground floor)
12^{00}- 13^{30}	**Plenary Session** (Amphitheatre C1)
13^{30} - 15^{00}	**Lunch Break**
15^{00} – 16^{45}	**Plenary Session** (Amphitheatre C1)
16^{45} - 17^{00}	**Coffee Break** (Ground floor)
17^{00} - 18^{00}	**Works in sections**
18^{00} - 18^{10}	**Coffee Break** (Ground floor)
18^{10} - 19^{30}	**Works in sections**
20^{00}	**Festive Dinner**

Saturday, 9 May 2015

Faculty of Law and Administrative Sciences,
Republicii Avenue, no. 71

9^{30}-10^{45} **Works in sections**

10^{45} - 11^{00} **Coffee Break** (Ground floor)

11^{00}- 12^{00} **Works in sections**

12^{00}-12^{30} **Closing of the Conference** (Amphitheatre C1)

12^{30} -14^{00} **Lunch Break**

14^{00} -19^{00} **Cultural programme**

Friday, 8 May 2015

Faculty of Law and Administrative Sciences,
Republicii Avenue, no. 71

Festive Opening
Rector's address and welcome messages on behalf of the local administration representatives

9^{30}- 10^{30} (Amphitheatre C1)

Plenary Session

10^{30}- 11^{30} (Amphitheatre C1)

Moderators:
Professor Ph.D. DDr. h.c., M.C.L. Heribert- Franz KOECK (University *Johannes Kepler* of Linz Austria)
Professor Ph.D. Eugen CHELARU (University of Pitesti, Romania)

- ***The State Order and the Law of the Integrating Europe,*** **Professor Ph.D. Dr.h.c.mult. Herbert SCHAMBECK, honorifical president of Federal Council of Austrian Republic, member of the Pontifical Academy of Social Sciences, University *Johannes Kepler* of Linz, Austria**

European diversity is justified on a manifold basis, namely in geographical factors, cultural life, social systems, economic systems and political factors that are constitutionalised and legalised by the law.

The legal unity of Europe was, for a long time, based on Roman and Canon law. They both formed the so-called common law, the ius commune.

It was applied in all countries of Central and Eastern Europe. There was a single European jurisprudence, in which the language was Latin, that originated from all disciplines.

As for the constitutions of European states, they have come into effect at different times due to different traditions. Reference to the systems and the development of these constitutional systems of European states is not only important for the systems themselves and their people, but also for the EU.

Integrated Europe has chosen a path to reach a new form of cooperation by using the Community law instead of the earlier start of working next to, and unfortunately often against, each other. EU law encompasses characteristics of a constitution in the formal and material sense, but the EU does not construe a state but rather a federation of states sui generis. in various formats concerning governments and state organisations.

- ***Recalling the Making of Europa in Contemporary Perspectives,*** **Professor Ph.D. DDr. h.c., M.C.L. Heribert Franz KOECK, *Johannes Kepler* University of Linz, Austria**

The paper takes up the vision of European History as it was expounded by the British historian Christopher H. Dawson in his epochal book "The Making of Europe".

Dawson sees culture and religion intertwined and believes that Europe cannot be fully understood without its Christian tradition.

The paper examines the legitimate place of religion in the modern pluralistic society and points out that the religious freedom of the individual in particular and human rights in general guarantee religion its role as a social factor that will not become obsolete as long as man will be interested – in a positive or a negative way – in the phenomenon of religion. And since religion has to do with the most basic questions of man's nature and existence, it is unlikely that society (or its history) will ever be divorced from religion.

- ***Convergence of Fundamental Rights in European Constitutionalism*, Professor Ph.D. Dres.h.c. Rainer ARNOLD, University of Regensburg, Germany**

In Europe, threee major levels of Fundamental Rights exist, the national Constitutions, the European Convention of Human Rights and the EU Fundamental Rights Charter. These levels are autonomous but interconnected and interdependent. There are mutual vertical and horizontal impacts and influences which lead increasingly to a significant convergence of the basic concepts. However, differences are also visible which have to be respected under the priciple of subsidiarity. The convergence of Fundamental Rights in Europe is one of the major reasons for the emergence of a body of European Constitutional Law. This process is of high influence on the evolution of a European constitutional culture.

Coffee Break
11^{30} - 12^{00}

Plenary Session

12^{00}- 13^{30} (Amphitheatre C1)

Moderators:
Professor Ph.D. Dres.h.c. Rainer ARNOLD (University of Regensburg, Germany)
Professor Ph.D. Cristina Hermida DEL LLANO (University *Rey Juan Carlos*, Spain)

- ***The contemporary local self-governments systems*, Ph.D. Helena BABIUCH, Vicerector, University of Applied Science (PWSZ) Legnica, Professor Ph.D. hab.dr.h.c.multi Bogusław BANASZAK, University of Applied Science (PWSZ) Legnica, University of Zielona Gora, Poland**

The decentralization of public authority, expansion of social self-government, spreading autonomy of local governments is a complicated process which leads to local government's tasks. The constitutions of many democratic states establishes a very important rule concerning the position of the local self-government within the political system; it states that its independence is protected by courts. That should protect the self-government from the intrusions of executive bodies supervising its activities. The competence disputes between the bodies of the self-government and bodies of the government administration are settled by administrative courts.

The European integration do not affect directly the local government in member states. It stimulates the implementation of EU law and the international cooperation of local self-governments units.

- ***The Configuration of New Rights Through the Interpretation of Privacy by the European Court of Human Rights*, Professor Ph.D. Cristina Hermida DEL LLANO, University *Rey Juan Carlos*, Spain**

The European Court of Human Rights has decided some cases using a new interpretation of the article 8 of Convention for the protection of human rights and fundamental freedoms. We show how this position on new

rights has important consequences for the member states of the European Union concerning the Regulation of euthanasia.

- ***Personal Guarantees of Creditors,*** **Professor Ph.D. Sevastian CERCEL, Dean of Law and Social Sciences Faculty, Professor Ph.D. Ştefan SCURTU, University of Craiova, Romania**

Personal guarantees, together with real estate guarantees, represent specific legal means to ensure the performance of obligations. Real estate guarantees involve an item of property which guarantees the performance of obligations. Personal guarantees refer to the promise of a person, other than the debtor, to perform the debtor's obligation in case the latter fails to perform it. The patrimony of the guarantor enlarges the object of the creditor's right of general lien and enhances the chances of recovering the claim.

The fidejussion provides the advantage that the creditor may pursue the guarantor's patrimony without competing with other creditors of the debtor.

The Romanian legislature provides new legal instruments, commonly used by professionals: the letter of guarantee and the letter of comfort. Together with the fidejussion, they constitute personal guarantees of creditors and their practical use is undeniable.

- ***Solidarity, Dialogue and the Cooperation of Social Partners as a Part of the Social Market Economy,*** **Professor Ph.D. hab. Andrzej SZMYT**, **Professor Ph.D. hab. Jakub STELINA, University of Gdańsk**, **Poland**

The Polish Constitution of 1997 regulates the socio-economic system relatively widely. It treats the cooperation of social partners as a part of the social market economy. The constitutional concepts have been analyzed in the legal doctrine and constitutional jurisprudence. The dialogue is implemented by such instruments as tripartite committees, collective bargaining agreements and worker participation.

- ***Justice and Freedom*, Professor Ph.D. Gheorghe DĂNIŞOR, University of Craiova, Romania**

The present study starts from the idea of the law as equity. Therefore, it is proven that the fundament of law is the moral, the law being just a means for the achievement of justice. Justice is not a legal concept, but a moral one, such as the human freedom.

The relation between justice and freedom is considered to the metaphysical fundament of the law. The balance between these two concepts leads to the discovery of the ontological good, which in the social area is presented as to-be-together-with-other-individuals.

Lunch Break
$13^{30} – 15^{00}$

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Pitesti, 8 – 9 May 2015

Plenary Session

15^{00}- 16^{45} (Amphitheatre C1)

Moderators:
Professor Ph.D. hab.Dr.h.c.multi Bogusław BANASZAK (University of Applied Science (PWSZ) Legnica, University of Zielona Gora, Poland)
Senior Lecturer Ph.D. Livia MOCANU (*Valahia* University of Târgovişte, Romania)

- ***The Maintenance and Life Annuity Contracts According to the New Romanian Civil Code,*** **Senior Lecturer Ph.D. Livia MOCANU, Dean of Law and Administrative Sciences Faculty, *Valahia* University of Târgovişte, Romania**

Although sales represent the most frequent instrument in the field, the periods of economic hardship encourage purchasing assets by means of other mechanisms, such as maintenance and life annuity, which have actually become quite popular in some areas,.

In this context, we consider that it would be interesting to carry out an analysis of the legal regime acknowledged by the Romanian Civil Code for the two contracts mentioned above which, although they are similarly regulated, are different and constitute distinct legal regulations.

- ***The Right to a Healthy Environment – Constitutional Concept,*** **Senior Lecturer Ph.D. DHC Ioan GÂNFĂLEAN, Dean of Law and Social Sciences Faculty, Lecturer Ph.D. Manole-Decebal BOGDAN, Lecturer Ph.D. Miruna TUDORAŞCU, "1 Decembrie 1918" University of Alba Iulia, Romania**

Social and economic changes in Romania focused on economic centralism for a society that wants a set of value based on market economy system determine system and structure changes. These changes are accompanied by change in the law since the Constitution.The privatization process in the 1990's was not accompanied by a performance legislation on environmental conservation and protection. Many privatized companies were mishandled and soon reached the liquidation and asset recovery as scrap metal. I some cases, previous technological processes with chemical compounds polluted soil, subsoil, groundwater with hazardous chemical

waste. Decontamination is the responsibility of anyone, public administration has no property right, but has interest in environmental law principles. Such a situation analyze the effects of pollution from Turda, Cluj County chemical waste from the former company, chemical Turda plants.

- ***Moldovan Language or Romanian Language in the Context of European Linguistic Culture*, Professor Ph.D. hab. Dumitru BALTAG, Professor Ph.D. hab. Dumitru GRAMA, Free International University of Moldova (U.L.I.M.), Republic of Moldova**

Currently, there is no country with its entire population to be homogenous by the criteria of race, color, ethnicity, language, culture, religion. The rights on the people who belong to some minorities begin, of course, with equality of rights and nondiscrimination continuing with the right to ethnic, linguistic, cultural and religious identity; these people enjoy all rights and fundamental human freedoms, just like any other person. The present study highlights certain aspects of the controversies that have been ongoing for years in regards to the name of the mother tongue of the native population of the Republic of Moldova but also about the followed linguistic policies. Taking into account the actuality of the issue we come with some historical and juridical arguments that, in our opinion, would allow the citizens to fully understand the scientific truth concerning the correct name of the state language of the Republic of Moldova.

- ***Do we have the right to privacy in Internet*?, Professor Ph.D. Lali PAPIASHVILI, Ivane Javakhishvili Tbilisi State University, Member of the Constitutional Court of Georgia**

Autonomy as an aspect of respect for private life requires self-determination in the sphere of information circulation.

With the informative technologies usage growth the risk of interference in the right to private life rises. Exchanging ideas and information, especially personal experience and feelings is an essential manifestation of human's personality. Confidentiality of such communication is important for personal development.

In the conditions of increased numbers of digital technologies and cyber crimes the traditional methods of investigation no longer respond

adequately to the challenges of investigation, the issue of striking a balance between the freedom of information, inviolability of the right to private life and the legitimate public interest becomes more and more actual, as well as the issue of imparting information and securing protection of such information.

Using digital evidence, investigating cyber crimes, social networks, private life of third persons and correspondence, and on the other hand inviolability of right to private right. These are the minimal problems characteristic for any criminal procedure on correct balance of which is substantially depended realization of the purposes of the proceedings and guaranteeing lawfulness.

- ***History, Nationality and Dual Citizenship,*** **Ph.D. candidate Alexandru TĂNASE, State University of Moldova, President of the Constitutional Court of the Republic of Moldova**

The institution of citizenship is exclusively a product of the European political thinking, which has gradually established itself all over the world. Given modern states were established on the basis of nation-states, the new states of Eastern Europe and Balkans still rely on the presumption that citizens of other ethnic origin have their own national state, this generating a difference between nationality and citizenship. The perspective of an extended united Europe and European citizenship nourish the hope of these differences fading away. The article also examines ECtHR case-law, including the case of Tănase vs. Moldova related to dual citizenship and the right to stand for parliamentary elections, considering also the historic and ethnic background of the Republic of Moldova.

- ***International Organizations, Promoters Process of European Organization: Intergovernmental Approach,*** **Professor Ph.D. Anton-Florin BOŢA-MOISIN, Romania**

European Idea deep furrow history, its evolution beeing constant of ancient Greece more than 2,000 years ago until today. The construction of a United Europe is, in essence, the desire of peoples to create a region to be removed the military conflicts, poverty and disorder.

Until the appearance of the Schuman Plan, the projects of European organization were more theoretical attempts and less practical aplication.

The disastrous results of the two World Wars, the division of postwar Europe into two areas with different political, social and economic regimes and last but not least, the appearance of "cold war" between West and East, determines Western European countries to consider that overcoming this situation could be solved through gradual economic integration and political rapprochement.

The concerns regarding the european organization during this period will be based on the creation and appearance of the first international european organizations, and knows two approaches, corresponding to the two phases of european construction, namely: intergovernmental approach (or interstate) - corresponds to the first phase - the phase of classic cooperation between states (or phase of european cooperation), when a number of international organizations set up by intergovernmental cooperation / classic interstate organizations; community approach - corresponds to the second phase of the european construction process - european unification phase, when there is the establishment of international organizations supranational / supranational (also called integration organizations).

In the following, we will refer to the intergovernmental approach.

- ***The Juridical Effects of Time in The Regulation Of The Civil Code*, Professor Ph.D. Eugen CHELARU, Dean of Law and Administrative Sciences Faculty, University of Pitesti, Romania**

This study aims to present some of the juridical valences which the legislator has conferred on time under civil law. The topic is approached from two perspectives: the effect of time on the civil law itself and its effect on the acquisition or loss of rights by the individual.

The first case deals with the activity of the laws and the so-called conflict of laws in time, which is solved by resorting to two principles: the principle of non-retroactivity of the civil law and the principle of immediate application of the new civil law.

In the second case, we are considering the value of time as origin of the concrete civil legal relationship (event). In this regard, we have attempted to highlight two major juridical effects of time: the creative effect and the destructive effect.

The creative effect occurs when the passage of time or a specific moment in a person's life leads to the acquisition of certain rights, as it happens in the case of civil capacity and the acquiring of real rights as a result of possession exercised during and under the conditions foreseen by law.

16^{45} - 17^{00} **Coffee Break** (Ground floor)

PAPERS IN SECTIONS

Private Section

17^{00}-18^{00} (Amphitheatre C1)

Moderators:
Professor Ph.D. Ionel DIDEA (University of Pitesti, Romania)
Senior Lecturer Ph.D. Ilioara GENOIU (*Valahia* University of Târgovişte, Romania)
Senior Lecturer Ph.D. Andreea TABACU (University of Pitesti, Romania)

Secretary:
Assistant Ph.D. Ramona DUMINICĂ (University of Pitesti, Romania)

- **THE LEGAL STATUS OF THE LEGAL INTEREST ACCORDING TO THE GOVERNMENT ORDINANCE 13/2011, IN COMPARISON WITH ROMANIAN FISCAL REGULATION**

Professor Ph.D Silvia CRISTEA (Academy of Economic Studies, Romania)

Of the solutions taken from the commercial matter by the Romanian new Civil Code, there is also the fact that the rule of the legal elapsing of interest to the money obligations is applicable to the legal rapports deriving from the exploitation of a company for lucrative purposes, in other words, the debtor is legally late (as per art. 1535 paragraph 1 of the new Civil Code), and the creditor is entitled to interests (as per art. 1535paragraph 1 of the new Civil Code, corroborated with art. 2 of Government Ordinance 13/2011).

Given the importance of the jurisprudential effects of these changes implemented by the new Civil Code, we deem it useful to present a practical case (section 1) and only then the theoretical comment (section 2).

As against the simplicity of the solution of applying a legal interest, in an amount established by normative acts, we regret the complexity of the legal provisions that require the corroboration of several normative acts (new Civil Code., Government Ordinance 13/2011, Government Emergency Ordinance 47/2012, Law 31/1990), reason for which we will express our opinions in a final section entitled conclusions, where we will also formulate a few notional delimitations.

- **CO-POSSESSION OF COMMON PARTS IN CONDOMINIUM - THE ATTRIBUTE OF OWNERSHIP RIGHT OF APARTMENT OWNERS IN THE MULTI-APARTMENT BUILDINGS**

Professor Ph.D. Svetlana DOGOTARU, Professor Ph.D. Alla CLIMOV (Technical University of Moldova, Republic of Moldova), Expert in Public Administration Mircea URSU (Public Administration Academy of Moldova, Republic of Moldova)

The common property in multi-apartment buildings is still not yet registered in the Real Estate Register for the benefit of owners of private apartments. This probably is explained by the fact that the Law on privatization of housing stock stipulates the term of "co-possession" instead of "co-ownership" for the common parts of the building, that has led to multiple errors in other regulations on state registration of real estate, and to the stagnation of process for the establishment of appropriate management of housing stock by the apartment owners.

Simultaneously, the Law on condominium in housing stock provides for the shared ownership of apartment owners over the common property elements.

The present work proposes an analysis of situation favoring the registration of housing buildings together with the ownership right on the share in the common property in the benefit of the apartment owners in that buildings.

In conclusion, the authors emphasize that the concept of 'co-possession' does not represent an impediment for the registration of ownership right, taking into account that the concept of 'co-possession' is an attribute of this ownership right and, in this sense, does not exclude the

ownership right as a whole, - such position is strengthened by relevant provisions in the Law on condominium in housing stock.

Also, we find that the local government bodies are unduly delaying the transmission of buildings to the owners and stagger the building management organization process under the law. This situation needs to be remedied urgently, as the buildings need to be maintained and repaired properly, to avoid degradation of constructions which already started to cause increased risks.

- **DEBATABLE OPTIONS OF CURRENT CIVIL CODE IN TERMS OF REPARATION OF PREJUDICE IN RELATION TO DELICTUAL RESPONSIBILITY**

Professor Ph.D. Sache NECULAESCU (Honorary Science Researcher, Legal Research Institute of Academy), Senior Lecturer Ph.D. Adrian ŢUŢUIANU (*Vahahia* University of Targoviste, Romania)

The reparation of prejudice is the most important matter of civil responsibility, the one that renders efficient the immanent law concept neminem laedere. Regulating this reparation requires a more exigent elaboration than any other area in the civil law, because it is the one that optimizes the mechanism of responsibility rightfully arranged. Unlike the old regulation, the current Civil Code advances a more detailed regulation of prejudice reparation. It is our intention to analyze its texts and to highlight a few deficiencies of legal terminology used, of matter systematization, and more importantly, to draw attention to a few debatable solutions, contrary to the European tendencies in the matter of delictual responsibility.

- **FEW POTENTIAL SOLUTIONS FOR CONFLICTS OF LAWS WHICH CAN BE ENCOUNTERED IN THE FIELD OF INHERITANCES**

Senior Lecturer Ph.D. Ilioara GENOIU (”Valahia” University of Târgovişte, Romania)

In our opinion, it is of interest both from a theoretical but particularly practical perspective to discuss and furthermore propose some

solutions for certain controversial issues related to succession law, such as the resolution of a conflict of laws in time. Consequently, the present work aims to point out a few of the forms which the temporal conflict of laws can take in the field of inheritances and to state a few points of view which could be interesting particularly for practitioners, by determining them to reflect on the topic.

- **THE CANCELLATION OF THE ARBITRAL DECISION ACCORDING TO THE NEW CODE OF CIVIL PROCEDURE**

Senior Lecturer Ph.D. Andreea TABACU (University of Pitesti, Romania), Assist. Ph.D., Post-doctoral researcher Ramona DUMINICĂ (University of Piteşti, Titu Maiorescu University, Bucharest, Romania)

The cancellation of the arbitral decision using the action for annulment, as procedure which returns in front of the court the litigation subjected to arbitrage, requires an analysis from the perspective of its legal nature, towards the texts stating its legal regime, as well as the clarification of certain aspects regarding the cancellation, as were interpreted by the jurisprudence based on the previous Code of Civil Procedure, whose provisions are not substantially modified by the new Code of Civil Procedure.

Public Section

17^{00}-18^{00} (Room no. 104 - Department of Law and Public Administration)

Moderators:
Professor Ph.D. Anton-Florin BOŢA-MOISIN (University of Pitesti, Romania)
Senior Lecturer Ph.D. Constanţa MĂTUŞESCU (*Valahia* University of Târgovişte, Romania)
Senior Lecturer Ph.D. Elise-Nicoleta VÂLCU (University of Pitesti, Romania)

Secretary:
Assistant Ph.D. Andra PURAN (University of Pitesti, Romania)

- **CERTAIN ASPECTS ON LEGAL REGIME OF THE PUBLIC DOMAIN'S PROPERTY IN THE LEGISLATION AND PRACTICE OF REPUBLIC OF MOLDOVA**

Professor Ph.D. Maria ORLOV, *Alecu Russo* State University of Bălţi, Chairman of the Institute of Administrative Sciences, Republic of Moldova, Professor Ph.D. Liliana BELECCIU, Police Academy "Stefan cel Mare", Republic of Moldova

The legislation of Republic of Moldova accepted the theory of "public domain", thus the public property was divided into two categories of property: property of the public domain and property of the State's private domain or of the administrative-territorial unities.

Theoretically, this division on domains of the public property aimed the resolution of at least two matters. The first – not all the public property is imprescriptible, indefeasible and inalienable as the state property was during the soviet regime, but only the property belonging to public domain. The second, the idea that during the soviet regime it was excluded from legislation the term "private property", and once this term was declared in

the Constitution of 1994, it shouldn't be confused with the property from State's private domain or from the administrative-territorial units.

In this work, we will analyze certain aspects related to the legal regulations of the public domain property from our country and the way of interpreting and application of these regulations.

- **STRENGTHENING AND DIVERSIFYING THE MEANS OF MONITORING THE STATE OF DECENTRALIZED AUTHORITIES AS A RESULT OF EUROPEAN UNION LAW**

Senior Lecturer Ph.D. Constanţa MĂTUŞESCU (*Valahia* University of Târgovişte, Romania)

By the jurisprudence of The Court of Justice of the European Union it was established that the decentralized authorities of the Member States must provide, within their powers under national law, the application and enforcement of EU law, leaving, if necessary, unapplied any contrary provisions of a national law. However, Member States remain responsible to the European Union for the proper performance of this task by their administrative authorities, under the general duty devolving upon them to actively promote compliance with European law. This paper aims to highlight that the sole responsibility of the State for violations of European law due to the behavior of decentralized entities resulted in a limited capacity for action and their autonomy within the national legal order, because the state has strengthened and diversified means of monitoring its regional and local authorities.

- **THE INVOLVEMENT OF NATIONAL PARLIAMENTS IN THE INTERPRETATION OF THE PRINCIPLE OF SUBSIDIARITY**

Senior Lecturer Ph.D. Elise-Nicoleta VÂLCU (University of Pitesti, Romania)

The Protocol regarding the application of the principles of subsidiarity and proportionality annexed to the Treaty of Lisbon provides (in areas which do not fall within the exclusive competence of the European Union) that each institution must always ensure compliance with these principles, monitoring the compliance of union legislative proposals with the former.

Regarding the involvement of national parliaments, we retain their competence to verify the compliance of the union projects with the principle of subsidiarity.

- **RESULTS AFTER 65 YEARS SINCE THE DEBUT OF THE EUROPEAN INTEGRATION PROCESS**

Lecturer Ph.D. Dumitru VĂDUVA (University of Pitesti, Romania)

After the entrance into force of the Lisbon Treaty this phase of reforms has ended, at least for a while. The new text, despite its weaknesses, answers to a number of matters remained in cliffhanging starting with the Maastricht Treaty: the functioning of the European Union and the reforms of its institutional framework.

Essentially, the Lisbon Treaty inserts a new system of majority voting for the Council, which has entered into force in 2014, easier and more adjusted to the subsequent enlargements, and has stated new representatives of the Union: the permanent president of the European Council and the High Representative of the Union for Foreign Affairs and Security Policy. This Treaty has concluded a phase of intense reforms of the European Union initiated in the 1990s.

- **SEVERAL EXAMPLES OF FRIENDLY SETTLEMENTS CONCLUDED BY THE ROMANIAN STATE BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS**

Lecturer Ph.D.Georgeta-Bianca SPÎRCHEZ (Christian Univeristy "Dimitrie Cantemir" Braşov, Romania)

The European Convention of Human Rights recognizes the Alternative Dispute Resolution principle through its provisions regarding the acknowledgment of friendly settlements, providing, thus, a pattern of good practices in this area.

Although the frienfly settlement idea is promoted in many European countries, strictly from a national perspective, these agreements concluded in cases regarding human rights are seen as inadmissible. In this context, the following paper aims to examine some cases brought before the European Court of Human Rights, in which the Romanian State signed such settlements.

- **THE PRINCIPLE OF PREVENTING POLLUTION AND ECOLOGICAL DAMAGES**

Assist. Ph.D., Post-doctoral researcher Ramona DUMINICĂ (University of Piteşti, Titu Maiorescu University, Bucharest, Romania), Senior Lecturer Ph.D. Andreea TABACU (University of Piteşti, Romania)

In the ensemble of the principles of environment protection, the principle of the preventive action has a special place and is based on the idea that the prevention involves significantly lower costs than the remedy of the ecological damages. The prevention involves two categories of actions: the ones created to remove the causes of pollution, more often by ecological upgrade of the processes of production and limitation or total elimination of the negative consequences against the environment factors in the context in which the pollution was already generated.

- **THE CONTRIBUTION OF THE EUROPEAN UNION'S INSTITUTIONS IN THE PROTECTION, PRESERVATION AND DEVELOPMENT OF THE ENVIRONMENT**

Asisst. Ph.D., Post-doctoral researcher Ramona DUMINICĂ, Asisst. Ph.D., Post-doctoral researcher Andra PURAN (University of Pitesti, Romania)

The European Union's policy in the area of environment aims a high level of protection, considering the diversity of situations from different regions of the Union. Among their competences, the Union and its Member States cooperate with third-party states and with competent international organizations in order to achieve the objectives of the environmental policies. Of the Union's institutions, the main attributions and competences in this area are of specialized organisms, such as the Directorate-General for the Environment, the Council for Environment and Committee for Environment, Climate Change and Energy. Attributions in the area of environment protection are also held by the Committee on the Environment, Public Health and Food Safety of the European Parliament, but also by the European Investment Bank.

18^{00} - 18^{10} **Coffee Break** (Ground floor)

Private Section

18^{10}-19^{30} **(**Amphitheatre C1)

Moderators:
Senior Lecturer Ph.D. Rada POSTOLACHE (*Valahia* University of Târgovişte, Romania)
Lecturer Ph.D. Andrei SOARE (University of Pitesti, Romania)
Lecturer Ph.D. Dumitru VADUVA (University of Pitesti, Romania)

Secretary:
Assistant Ph.D. Adriana PÎRVU (University of Pitesti, Romania)

- **TENDENCY IN ROMANIAN CIVIL CODE AND SIMILARITIES WITH GERMAN LAW IN MATRIMONIAL PROPERTY REGIMES**

Senior Lecturer Ph.D. Oana GHIŢĂ (University of Craiova, Romania)

This article attempts a summary comparison of matrimonial property regimes in the Romanian Civil Code and BGB. Starting from technical way that it has been written German Civil Code to the French inspiration surse of Romanian Civil Code, we have tried to emphasize the Romanian legislator overlap options with those of German law concerning the separation of goods, wich, in fact, includes a participation to acquisition, but also as regards of matrimonial communitarian regimes which borrows aspects of the BGB, but keeping obviously the tradition.

- **FROM THE EXCEPTION OF NON-PERFORMANCE OF THE CONTRACT TO THE UNILATERAL ANTICIPATIVE TERMINATION**

Senior Lecturer Ph.D. Nora DAGHIE (*Dunarea de Jos* University of Galati, Romania)

The exception of non-performance of the contract may play an important role against the risk of non-performance, leading by itself to

minimizing the prejudice and ultimately even to the termination of the contract.

The express recognition of an active role of the exception, and not just a simply passive role of coercion in order to execute the report, is justified by the verifiable reading of the provisions of the Civil Code and practical considerations which have also been taken into account by the foreign legal systems (French law, English law).

This new aspect of the exception, means of implementation and obtaining unilateral termination, may find its basis in our legal system.

Nothing oppose to the finding of the active, anticipative exception of non-performance before the judge, by the other contractor. The exception of non-performance representing a defense at the first instance court, the burden of proof of imminent execution or the lack of unreasonable delay shall be incumbent on the co-contractor of the contracting party invoking the exception.

- **CONTRACT OF MANDATE IN THE NEW CIVIL CODE**

Lecturer Ph.D. Dragoş DAGHIE (*Dunarea de Jos* University of Galati, Romania)

Representation institution has been and will be an important instrument in terms of ability to substitute and to be present in several places at the same time. The using of the contract was found mainly in commercial matter, in this area being the most useful and here perfecting to the form that we have today in the new Civil Code. In both forms, the mandate can be with representation and without representation, as the mandatory can sign legal documents on behalf and account of his reprezentative or in his own behalf and on account of the principal.
One of the applications of the contract of mandate is found in corporate matter, in which case the company administrator concludes such an agreement with the company by which provides its management

- **SHORT CONSIDERATIONS REGARDING THE ROMANIAN LAND REGISTRATION PROCEDURE. ENSURING THE INFORMATION FUNCTION OF THE LAND REGISTRATION TROUGH LAND REGISTRATION PROCEDURE**

Lecturer Ph.D. Sorina ŞERBAN-BARBU (University of Piteşti, Romania)

This paper aims to emphasize the importance of land registration procedure in obtaining the above mentioned objectives and in this respect we understand to analyze the mandatory stages within the land registration procedure and also the authorities involved and their responsibilities. We consider the European evolutions in this matter as having a great importance and that their impact at national level can no longer be neglected. Currently, the European developments and the globalization mark every aspect of national regulations and the land registration matter makes no exception because we can easily observe an increase demand of cross boarder operations. Thus, this increase in cross-border operations demands an easy access to the information of the national land administrations.

- **OVERSIZED TRANSPORT – SPECIES OF ROAD TRANSPORT GOODS**

Lecturer Amelia-Veronica SINGH, Senior lecturer Ph.D. Andreea DRĂGHICI (University of Pitesti, Romania)

Oversized transport is a special transport, representing a species of road freight transport. Making this type of transport shall be in accordance with OG no. 43/1997 regarding the roads, republished, with subsequent amendments and MTI Order no. 356/2010, as amended. The movement of road vehicles which exceed the maximum permitted weight and / or overall provided by law, with or without load, takes place on public roads only if they are registered, correspond in terms of technical condition and safety requirements and have a road transport special authorization issued by the administrator of the road. Details on this type of transport will be presented in this study.

- **WORK THROUGH TEMPORARY EMPLOYMENT AGENCIES**

Ph.D. Candidate Marian-Nicolae LĂPUŞTE (*Alexandru Ioan Cuza* Police Academy Bucharest, Romania)

Work through a temporary employment agency is the work done by a temporary employee who has signed a contract with a temporary employment agency and who is assigned to a user firm with a view to work under this user's supervision and direction.

A user can call on a temporary employment agency only for temporary and precise assignments, excepting the situation in which the user wants to replace an employee of his whose employment contract is suspended due to that worker going on strike. The temporary employment agency assigns a temporary employee, engaged under a temporary, fixed-term employment contract, in the basis of a commercial contract in writing.

- **LEGAL PROTECTION OF THE NAME**

Ph.D. Candidate Oana-Nicoleta RETEA (University of Craiova, Romania)

The social, individual and family interest are all joined by name. Each of these interests are legitimate and an excess of one of them threatens the existence of the others. Humans can not be outside the legal life at no time. The name is attached to privacy, as demonstrated in the first place by being a means of individualization of a person. Nowadays the name of the person and the problems imposed by its use are covered by specific provisions. Every human being, as bearer of civil subjective rights and civil liabilities should be individualized in the legal relationships in which they participate.The purpose of this article is to provide the first comprehensive legal analysis of the protection offered to the right to a name, taking into consideration it's juridical nature. Another fact generally agreed on is that the right to a name is one of those personality rights which are simultaneously identification attributes of an individual, being however included also intro the notion of "family right". All these prerogatives which belong to every indvidual will determine a certain defense.

Public Section

18^{10}-19^{30} (Room no.104 - Department of Law and Public Administration)

Moderators:
Senior Lecturer Ph.D. Camelia-Maria MORĂREANU (University of Pitesti, Romania)
Lecturer Ph.D. Doina POPESCU-LJUNGHOLM (University of Pitesti, Romania)
Lecturer Ph.D. Lavinia VLĂDILĂ (*Valahia* University of Târgovişte, Romania)

Secretary:
Assistant Ph.D. Emilian BULEA (*Valahia* University of Târgovişte, Romania)

- **REFLECTING THE RIGHT TO PRIVATE LIFE IN ECHR JURISPRUDENCE RELEVANT FOR ROMANIA**

Senior Lecturer Ph.D. Maria-Irina GRIGORE-RĂDULESCU (Ecological University of Bucharest, Romania)

The European Convention of Human Rights compels the signatory states to provide for the exercise of rights and liberties stipulated thereof. In conformity to art. 8 of Convention, the right to private life has generated a rich jurisprudence to European Court considering useful the analysis of it, from the perspective of Romanian's cases.

- C**ONDITIONS AND PROCEDURE CRIMINAL LIABILITY OF LEGAL ENTITY**

Senior Lecturer Ph.D. Camelia-Maria MORĂREANU (University of Pitesti, Romania), Prosecutor Daniel CREŢU (Prosecutor's Office attached to the Costeşti Court, Costeşti, Romania)

Criminal liability of legal persons is a topical issue, as the attention of European criminal doctrine among the central themes of scientific and regulatory approaches. Study the historical evolution of this institution is able to support the idea that the criminal liability of legal persons is consistent with the fundamental principles of criminal law, the nature of the legal person is justified by socio-economic needs.

The new Criminal Code retains much of the precepts underlying the regulation of the Criminal Code above. Thus, despite the arguments against this institution, the criminal liability of legal persons is a reality and, for this reason, must know very well the legal provisions governing the institution.

The theme chosen is justified by the fact that this institution, always called "recent" raises many problems both theoretical and practical. There are indeed few decisions condemning legal entities, but these cases in which the issue was raised criminal liability of collective entities sometimes ended up with solutions (already) contradictory.

There is a real reluctance amongst practitioners to discuss criminal liability of legal persons. Media and legal information sites displayed every day news about the indictment of directors of companies for offenses relating to copyright, tax evasion, smuggling, issuing checks without cover, etc., although it is clear that in these cases should be raised (and) the issue of criminal liability of legal persons concerned.

- **THREATS TO THE EU EXTERNAL BORDERS AND EUROPEAN INITIATIVES TO MITIGATE THE RISKS IDENTIFIED**

Senior Lecturer Ph.D. Camelia-Maria MORĂREANU (University of Pitesti, Romania), Ph.D Student Adrian LĂZĂROAIA (*Alexandru Ioan Cuza* Police Academy Bucharest, Romania)

The EU external borders are transited annually by an enormous number of travelers. The freedom of movement for goods and capitals sometimes allows the free movement of the criminal phenomenon as well. A European Border Police and a globalized approach towards border security and consequently the security of the EU citizens might be the solution for the mitigation of the security risks identified. Migration, legal or illegal, seems to be a threat to the EU concepts, if not properly managed.

- **LAW AND RELIGION IN ANTIC ROME**

Senior Lecturer Ph.D. Andreea RÎPEANU (Ecologic University of Bucuresti, Romania)

The origins of the science of Roman law are closely related to traditional religious practices. In the old era, it was reduced to knowing forms, kept secret by pontiffs, like religious rites. It is in fact the consequence of the confusion existent between ius, honestum and fas. Therefore, both the juridical consultations, and the religious ones were strictly provided individually and confidentially, considering the secret contents thereof, with a view to maintain the influence of a closed caste over population. All this period, when it was perpetuated a tradition taken over from prestate period, lasted until the year 301 before Christ, under the name of sacred or religious jurisprudence.

- **VALENCES OF LOCAL AUTONOMY**

Lecturer Ph.D. Doina POPESCU-LJUNGHOLM (University of Piteşti, Romania)

The local autonomy it is made in the European framework like an element of the „common democratic principles for the member states of the Council of Europe (in which our country is a member since 1 October 2003) which through its legal regulation makes possible power descentralization.

The local autonomy represents the right and effective capacity of the administrative-territorial units to fulfill its own interests as they consider, according to the law but without central government intervention. The local autonomy represents the fundamental principle of the administrative-territorial organization of a state.

Constitution of the countries of the world gives an important place to the local autonomy which is at the base of organization and function of the local public administration.

- **CONCURRENT OFFENSES IN THE ACTUAL REGLEMANTATION**

Lecturer Ph.D.Lavinia VLĂDILĂ („Valahia" University of Târgovişte, Romania)

The new Criminal Code brings mutations in the regulation of concurrent offenses. Even though the two main forms of concurrent offenses remained the same, the actual system of sanctioning differs substantially from the previous regulation, as in the case of relapse. Under the current rules, the increase is required, being possible to apply all three systems (legal cumulation system, absorbtion system and arithmetic cumulation system), in function of each case.

- **SOME CONSIDERATIONS ABOUT THE CURRENT LEGAL DILETTANTISM**

Assist. Ph.D. Valentin-Stelian BĂDESCU (Lumina-The University of Sout-East Europe, associated researcher of the Institute of Legal Research of the Romanian Academy**,** Romania)

Dilentntismul is a phenomenon characteristic of our contemporary society, often met, not only in law, but also in art, culture, sport, and in our daily life. Where is placed between genius and mediocre dilettante? The relationship between mediocrity and genius dilettantism issue belongs naturally to this equation. Greatly simplify things, we consider that dilettantism is a median between artist and ignorant. More specifically, between one who creates disciplined talent and power that does not give two shakes the art. In this transitional space, is one who is very interested in what the artist creates and wants to be an artist to turn, but for one reason or another can not, so it comes down to the pleasures of art produced by others.

What's with this new phenomenon, with this new word, scandalously superficial as dilettantes and dilettantism few ideas seem extremely useful in a confusion of terms which often operate in Romania last time. We call "amateur" one who does not understand that doing things of poor quality, which does not know or can not. We find it perfectly similar to "amateur". It's funny how in a country like Romania, where the rigors are down and

absolute relativism is law, the personal relationship beat any academic institutional relationship, the content obnubilează style, began legal dilettantism in school and worse ends with postdoctoral studies.

- **SOME HISTORICAL ASPECTS OF TAX EVASION**

Assist. Ph.D. Costin MĂNESCU (University *Titu Maiorescu* Bucharest, Romania)

Tax evasion is a phenomenon caused by human underlined the need for money in various ways to evade tax obligations, the genesis of this phenomenon is inextricably linked to the stand and its appearance. The many obligations under the tax laws taxpayers, especially their burden caused taxpayers at all times ingenuity to invent various methods of avoiding tax obligations. Through this study we aim to make a historical excursion on tax evasion as the phenomenon evolved with economic and social development, to identify the main causes of the occurrence of this phenomenon and how to combat the phenomenon.

- **THEORETICAL ASPECTS REGARDING THE NATIONAL COMMITTEE FOR FINANCIAL STABILITY**

Assist. Ph.D. Adriana-Ioana PÎRVU, Lecturer Ph.D. Daniela IANCU (University of Piteşti, Romania)

The National Committee for Financial Stability was created by the Agreement for cooperation in the area of financial stability and management of financial crisis, concluded on 31 July 2007.

The National Committee for Financial Stability acts, according to Pct. 20 of the agreement, as a central organism, being in charge with the cooperation and exchange of information between the parties of the agreement, as well as with the management of the problems with negative impact over the national financial system.

Pct. 19 of the Agreement states that the major objective of the Committee consists in the insurance of the financial system's stability and the evaluation, prevention and, where appropriate, the management of financial crisis situations within individual financial institutions, financial groups or financial market as an ensemble.

In the near future it is foreseen that the attributions of the National Committee for Financial Stability shall be performed by the National Committee for Macro-prudential Supervision.

The National Committee for Macro-prudential Supervision shall be an inter-institutional cooperation structure, without legal personality, whose mission shall be the coordination in the area of the macro-prudential supervision of the national financial system, by establishing macro-prudential policies and the appropriate instruments to apply them.

Saturday, 9 May 2015

Faculty of Law and Administrative Sciences,
Republicii Avenue, no. 71

Private Section

9^{30}-10^{45} (Amphitheatre C1)

Moderators:
Professor Ph.D. Dan ŢOP (*Valahia* University of Târgovişte, Romania)
Senior Lecturer Ph.D. Andreea DRĂGHICI (University of Pitesti, Romania)
Senior Lecturer Ph.D. Carmen NENU (University of Pitesti, Romania)

Secretary:
Assistant Ph.D. Dan GUNĂ (*Valahia* University of Târgovişte, Romania)

- **DISCUSSIONS ABOUT THE POSSIBILITY OF THE COURT CHARGED WITH THE RESOLUTION OF A COMPLAINT AGAINST THE DISCIPLINARY TERMINATION OF THE LABOR CONTRACT TO REPLACE THIS PENALTY WITH A LIGHTER PUNISHMENT STIPULATED BY THE LABOR CODE**

Professor Ph.D. Dan ŢOP („Valahia" University of Târgovişte, Romania)

By Decision 11/2013, the High Court of Justice upheld the appeal on points of law and determined that the court competent to resolve the appeal against the disciplinary sanction applied to the employee by the employer, finding that it is incorrectly individualized, can substitute it with another punishment. Therefore may appear the risk for a deed considered serious and punishable by disciplinary termination of employment contract by the internal rules prepared by the employer pursuant to Art. 242 point f of the Labor Code, to be singled out by different courts and sanctioned more lenient by replacing the sanction issued by the employer. The question

is whether, considered as such by the court, the deed may be provided by internal rules as punishable by disciplinary termination of employment contract. Invested with an annulment request of a decision of disciplinary termination, the court cannot establish that there is a disproportion between the facts established by internal rules and the possibly pre-established sanctions by the employer, but will analyze, in terms of the solidity of the contested decision, if the applied sanction respects the proportionality between the deed committed and the consequences, given of course the other matters expressly stipulated by art. 250 of the Labor Code.

- **THE ACTION (EFEFECT) OF LEGAL NORM IN TIME - PRINCIPLES OF PUBLICITY**

Senior Lecturer Ph.D. Catherine BALTAGA (UASM, Republic of Moldavia)

The most important measures of the state in the economic, social, cultural and human rights protection field are transcribed into laws. Respecting the law expresses the people's attitude, of the state authorities and of all the other organizations towards normative acts in force, towards legal norms.

Having a compulsory character, the legal norm is invested with a mandatory legal force that, by correlation it's compulsory for all the recipients. The manifestation in time of the legal norms reclaims the need to specify the beginning and the ending of law's action or of other normative acts in which it is integrated.

- **BRIEF CONSIDERATIONS ABOUT THE MOST IMPORTANT SPECIFIC CONDITIONS NECESSARY FOR THE VALID CONCLUSION OF AN INDIVIDUAL EMPLOYMENT CONTRACT**

Senior Lecturer Ph.D. Carmen NENU, Assist. Ph.D. Adriana PÎRVU (University of Piteşti, Romania)

The legal and valid conclusion of an individual employment contract must meet a number of conditions. Some of them are common with the valid conclusion of any type of contract (capacity, object, consent and cause),

while others are specific to the employment contract. In this regard, we enlist conditions such as: the existence of the position (job), professional training, accumulated service, medical exam, as well as special conditions for certain categories of employees.

The specificity of the employment contract and its special importance in the ensemble of social relations, determines a severe regulation for the specific conditions of validity of the employment contract and an analysis of the impact on the labor market of these provisions.

- **BRIEF CONSIDERATIONS ON LEGAL FEATURES OF THE INDIVIDUAL EMPLOYMENT CONTRACT. INTERNAL AND INTERNATIONAL REGULATIONS**

Senior Lecturer Ph.D. Carmen NENU, Lecturer Ph.D. Carmina POPESCU (University of Piteşti, Romania)

Characteristics of the individual employment contract are those features that define and customize it in relation to other civil or commercial contracts also involving the provision of work . The identification of these features was mainly a result of doctrine, but also of specific legal practice. Although not specifically outlined by the legislature, these characteristics have been the basis for legal regulation of individual employment contract.

All the characteristic features, whose list is not exhaustive, results from work-itself, which is not a commodity and must have specific regulations in relation to those applicable to common law contracts.

- **ESTABLISHING THE LIABILITIES OF A DEBTOR UNDERGOING INSOLVENCY PROCEEDINGS. VERIFYING THE CLAIMS AND PREPARATION OF THE PRELIMINARY TABLE.**

Lawyer Ph.D. Florin LUDUŞAN (Law office "Ludusan Florin" Tîrgu Mureş, Romania)

Establishing the liabilities represents a logical and complex approach, which includes a set of actions and operations carried out under the law by the designated person, aiming at the quantitative determination of the debts of the debtors and the entities to which the debtor has debts.

The legal administrator or liquidator has the competence to determine the liabilities. The steps to establish the liabilities of the debtor undergoing insolvency proceedings are: the notification of the creditors, request for the enrollment in the list of liabilities, verification of claims, preliminary table, challenge of the claims, final table and the final updated table. This study aims to analyse two of these steps, namely, verification of claims and preparation of the preliminary table.

- **THE LEGAL STATUS OF INVALIDITY IN LABOUR LAW AND CASES OF INVALIDITY OF DISMISSAL DECISIONS**

Ph.D. Candidate Laurenţiu-Răzvan LUNGU (University *Titu Maiorescu* Bucharest, Romania)

The legal status of invalidity of an individual labour contract generally fits within the common law pattern of the legal status of the invalidity of legal documents. The invalidity of an individual labour contract is determined by a cause which is prior or simultaneous to the conclusion thereof, unlike the cessation of the same contract, which is determined by subsequent conditions, occurring during the performance of such contract. "Any contract made with the infringement of legal requirements for its valid execution shall be deemed invalid (...)" (art. 1246(1) Civil Code).

The distinction in the common law (art. 1246(2) Civil Code) between the status of absolute invalidity and relative invalidity does not have the same relevance for labour law.

According to art. 57(2) of the Labour Code, invalidity is not retroactive, while, in common law, according to art. 1254(3) Civil Code, "Even when the contract provides for successive execution, each party should return to the other, in kind or in equivalent, the received deliveries (...)".

A dismissal decision should meet several requirements of format and content. The legal regulation of the format and content requirements of such act aims at preventing possible abuse, as well as providing elements for checking the legality and the justification of such measure.

Public Section

9^{30}-10^{45} (Room C2)

Moderators:
Senior Lecturer Ph.D. Claudia GILIA (*Valahia* University of Târgovişte, Romania)
Lecturer Ph.D. Marius ANDREESCU (University of Pitesti, Romania)
Lecturer Ph.D. Iulia BOGHIRNEA (University of Pitesti, Romania)

Secretary:
Assistant Ph.D. Viorica POPESCU (University of Pitesti, Romania)

- **THE EMERGENCE AND DEVELOPMENT OF PARLIAMENTARY IMMUNITY IN THE ROMANIAN CONSTITUTIONAL SYSTEM (1866 - 1989)**

Senior Lecturer Ph.D. Claudia GILIA, Lecturer professor Ph. D. Valeriu Florin GILIA („Valahia" University of Târgovişte, Romania)

In our study, we have shown the evolution of the institution of parliamentary immunity in Romania. Our undertaking started with the first constitutional acts of Romania and stopped in this first part at the regulations before the 1989. The Romanian constituent in the period 1866-1948 has been preoccupied to offer the elect a parliamentary protection as wide as possible. After 1948, together with the modification to the structure of the Parliament, the parliamentary immunity war restrained. The immunity did not cover votes and opinions expressed during the mandate any more, but contained only the component of penal inviolability. In the period 1989-1991, parliamentary immunity was ruled by the provisions of the Constitution of 1965, in what penal immunity is concerned, and the lack of responsibility for the votes and opinions expressed during the mandate has been covered later, after several regulations have been adopted, regulations that proved themselves as interim and insufficient.

- **SIMPLICITY OF THE FORM AND COMPLEXITY OF THE NORMATIVE CONTENT OF CONSTITUTION**

Lecturer Ph.D. Marius ANDREESCU (University of Pitesti, Judge Court of Appeal Piteşti, Romania)

The establishing of the scientific criteria of the normative content of constitution requires a balanced and functional ratio, sometimes difficult to achieve, between the requirement of simplicity of the normative form clarity and accuracy and on the other side the complex content of regulations, most of the time those being principles of law whose destination is to structure harmoniously the entire social and state system and to build a dynamic equilibrium between the state power and citizenship liberties. Since the constitution is a law, but nevertheless it differs from the law, the question is to establish what exactly legal rules it contains. Solving this problem should consider the specific of the fundamental law but also the requirements of the coding theory involving also the requirements for simplification and simplicity of the normative structure. The determination with all scientific rigor of constitution's normative content is indispensable both to eliminate the imprecision, ambiguity in the normative expressing as well as to highlight the differences between the Constitution and the law, for the stability and predictability of the fundamental law and not the least for the reality and effectiveness of its supremacy.

- **THE REFERENCE FOR A PRELIMINARY RULING BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION – PROCEDURE AND EFFECTS**

Lecturer Ph.D. Iulia BOGHIRNEA, Post-doctoral researcher (University of Pitesti, "Acad. Andrei Rădulescu" Legal Research Institute of Romanian Academy, Romania)

In this article we aim to continue the study of an instrument for a uniform interpretation and application of the European Union law, namely the procedure of references for a preliminary ruling submitted before the Court of Justice of the European Union. This procedure has as purpose the issuance of a preliminary ruling for the clarification of a matter of law at

the notification of a court of a Member State, the *interpretation being mandatory for all courts of all Member States.*

- **DEVELOPING AN ACQUIS COMMUNITAIRE IN THE FIELD OF PUBLIC ADMINISTRATION. POLICY RECOMMENDATIONS AND POSSIBLE CHALLENGES**

Lecturer Ph.D. Liviu RADU (Babeş-Bolyai University, Romania)

One of the most controversial issues of the European Union administrative space is how to develop a common set of values that can be accepted by all the member states of the Union. European Union is lacking an acquis communitaire in the field of public administration and most of the important component states are not willing to accept some common rules and standards in this field. Related to the topic of the Conference, the paper will examine the cultural and historical backgrounds of several European countries, with an emphasis on Eastern European countries to identify administrative patterns and possible future developments. Romania is a special case since, from historical point of view; parts of the country were exposed to different administrative experiences.

- **THE RIGHT TO WITHDRAW FROM THE OFF-PREMISES CONTRACTS AND FROM THE DISTANCE CONTRACTS**

Judge, Lecturer Ph.D. Elena ILIE (Dambovita Tribunal, „Valahia" University of Târgovişte, Romania)

On 13 June 2014, the Government Emergency Ordinance no. 34/4 June 2014 on consumers rights in contracts with professionals as well as for amending and supplementing certain acts, came into force. This ordinance transposes into national law the Directive 2011/83 / EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Directive 93/13 / EEC the Council and the Directive 1999/44 / EC the European Parliament and of the Council and repealing Directive 85/577 / EEC of the Council and the Directive 97/7 / EC of the European Parliament and the Council.

According to the explanatory memorandum, the aim of adopting the ordinance was to create a unified framework based on clearly defined legal

concepts regulating certain aspects of the relationship between traders and consumers in the Union.

The scope of the ordinance shall comprise, with the exceptions stipulated by the law, any type of contract between a professional and a consumer, including contracts for the provision of publicly available electronic communications services or services of access and connection to public electronic communications networks and delivery of terminal equipment related to service provision.

- **THE CITIZENSHIP, THE RIGHT TO VOTE AND INTERNET**

Lecturer Ph.D. Marius VĂCARELU (National School of Political and Administrative Studies Bucharest)

The XXI century is technologic and humanity is able to use a lot of devices in many ways. All of them function and create a special social space, where people can consider themselves as a part of a global society, but also they remain nationals. In this case, they still have the specific rights of national citizenship, and to exercise them they use now internet more than other times. The right to vote is one of the most important which is affected by this technologic development. The citizenship can be more present than ever and for this internet can be a legal weapon for citizens and democracy.

- **THE SPECIFIC OF THE OBJECT AND CHARACTERISTICS OF THE PUBLIC INTERNATIONAL LAW**

Ph.D. Daniel- Ştefan PARASCHIV (Notary Public, CNP Piteşti, Romania)

The public international law embodies an independent existence, with a distinct regulating object and characteristic features, which is different from any other law branches. Its legal norms regulate the relations between states or other subjects regarding the public international law. These are, mainly created by the consent of the states and are not fulfilled by any international authority, but by the will of the states, except the jus cogens norms, which, by their nature, are compelling laws

- **ENVIRONMENTAL DAMAGE TO COMMON HERITAGE OF MANKIND. CONSIDERATIONS REGARDING STATES RESPONSABILITY**

Ph.D. Canditate Oana-Maria HANCIU (*Nicolae Titulescu* University Bucharest, Romania)

Environmental damage caused by activities in areas beyond the limits of State jurisdiction have given rise to a worldwide demande for environmental protection of global commons.

The issue of State responsability for environmental damage caused to common heritage of mankind, although delicate, yet finds its regulation in different international conventions and agreement, especially in the International Law Commission's drafts .

This paper aims to present ways in which a breach of an international obligation on protection of the common heritage of mankind can attract international responsibility of the State.

Public Section

9^{30}-10^{45} (Room no.104 - Department of Law and Public Administration)

Moderators:
Senior Lecturer Ph.D. Ion RISTEA (University of Pitesti, Romania)
Lecturer Ph.D. Ivan-Vasile IVANOFF (*Valahia* University of Târgovişte, Romania)
Lecturer Ph.D. Carmina POPESCU (University of Pitesti, Romania)

Secretary:
Assistant Ph.D. Denisa BARBU (*Valahia* University of Târgovişte, Romania)

- **THE APPEAL PROCEDURE IN DISPUTES WHICH CONCERN CRIMINAL COMPLAINTS. THE NECESSITY OF HARMONIZING CERTAIN PROVISIONS OF G.O. 2/2001 ON THE LEGAL REGIME OF THE CONTRAVENTIONS OF THE CODE OF CIVIL PROCEDURE**

Judge, Lecturer Ph.D. Elena ILIE (Dambovita Tribunal, „Valahia" University of Târgovişte, Romania)

The present study was generated from a desire to bring to the attention of the legislature the need to harmonise certain provisions of the procedure for settling the administrative complaints, regulated by Government Ordinance, no. 2/2001 on the legal regime of offences, what is common law in contravention with the provisions of the Civil Procedure Code, approved by law No. 134/2000, as amended and completed by law No. 138/2014 and of law No. 2/2013 concerning measures for relieving the courts of law, as well as in preparing for the implementation of law No. 134/2010 on the code of civil procedure.

According to the article 31 of the G.O. 2/2001 on the legal regime of contraventions against the minutes in respect of the contravention and the penalty, the offender has to grasp the appeal of complaint, while the injured party may issue a complaint only with regard to compensations, and the

third party to which the goods belong seized can attack only the protocol against further penalty of confiscation.

Regarding the procedure to be followed by the offender in settling the complaint, since the adoption of the Ordinance and so far, the legal regulation had changes in default, as well as in the formal explicit modification that has not done anything other than put in a legal form what was recognized by default and has been applied without reservation in judicial practice in the matter.

- **STATELESNESS AND DUAL CITIZENSHIP IN CONSTITUTIONAL LAW**

Lecturer Ph.D. Simona Livia -Theodora MIHĂILESCU-PENE (Ecological University from Bucharest, Romania)

Negative conflict of citizenship leads to statelessness situation namely to the loss of citizenship. Statelessness represents such a situation in which a person who has no citizenship, can not be classified in the field of action of various laws belonging to states and thereby become stateless. Two citiyenship or multi citiyenship, in its turn, is a positive conflict of citizenship which occurs when a person has two or more citizenships.

- **THEORETICAL ISSUES RELATING TO THE RIGHT OF PUBLIC PROPERTY**

Lecturer Ph.D. Florina MITROFAN (University of Pitesti, Romania)

The Constitution of Romania establishes in a summa divisio classification the existence of two forms of property in Article 136 para. (1), which provides that "property is public or private", and para. (2) of the same article assigns the holders' right of public property, providing that public property belongs to the State or territorial-administrative units".

The fundamental criteria that underlie the classification of property in public and private are the nature of the goods that make up the subject, as well as the different legal status of the two forms of property.

- **PATRIMONIAL-ADMINISTRATIVE LIABILITY**

Lecturer Ph.D. Florina MITROFAN (University of Pitesti, Romania)

Legal liability is analyzed as a fundamental institution of law and takes different forms, depending on the scope of regulation.

The Constitution of Romania includes numerous provisions which constitute the legal basis of the patrimonial-administrative institution, in the form of legal liability, which may be driven only in the cases where it has produced a material or moral tort by acts or public activities, in their capacity as legal persons governed by public law.

- **THE INFLUENCE OF A PUBLIC AUTHORITY ESTABLISHMENT ON ITS PROPER FUNCTIONING**

Lecturer Ph.D. Ioana PANAGORET, Lecturer Ph.D. Ivan Vasile IVANOFF (*Valahia* University of Târgovişte, Romania)

The modality of establishing a local authority may even have influence on its proper functioning, fact which was demonstrated by the county council president election distinct from the rest of the members of the county council, on the occasion of local elections. The present study demonstrates this observation, focusing on the aforementioned anomaly and presenting solutions for rectifying this poor functioning.

- **THE INTERNATIONAL RESIDUAL MECHANISM OF THE INTERNATIONAL CRIMINAL TRIBUNALS (2012-PRESENT)**

Assist. Ph.D. Denisa BARBU („Valahia" University of Târgovişte, Romania)

This body was established on 22 December 2010 by the UN Security Council to conduct a series of essential functions of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia after the end of their mandates.

It is a small and temporary group, a key step of the completion strategies of the two Tribunals, charged with continuing the "jurisdiction, rights and obligations, as well as major functions" (Resolution of the UN Security Council, 1966 in TPIFI and TPIR), but also maintaining the legacy of both institutions.

The residual mechanism of International Criminal Tribunals has two branches: one branch covers the functions inherited from TPIR and is located in Arusha, Tanzania, starting to work on 1 July 2012, and the second branch was established in the Hague and take over the functions derived from TPIFI from 1 July 2013.

In the initial period, there will be a temporal overlap with TPIFI and TPIR. In 1966 by a Resolution of the Security Council of the United Nations it is shown that "the mechanism will work in time with a small number of employees commensurate with its functions", the Security Council setting out that the mechanism will continue to operate until it decides otherwise, provided that its work should be reviewed in 2016 and every 2 years.

- **THE SOCIAL DANGER - ESSENTIAL CONDITION FOR APPLYING THE PREVENTIVE ARREST MEASURE. CASE STUDY**

Ph.D., IIIrd degree scientific researcher Ion FLAMANZEANU (Romanian Academy), Assist. Ph.D. Denisa BARBU („Valahia" University of Târgovişte, Romania)

The choice of a preventive measure is to be made by taking into account its purposes, the seriousness of the facts, the modality and circumstances in which an offence has been committed, but also the person to which the preventive measure is being applied. Based on the analysis of Art. 202 para. 1-3 and Art. 223, the preventive arrest measure can be applied when the general conditions are being cumulatively fulfilled and when alternatively, one of the cases provided for at Art. 223 is incident and complied with.

The preventive arrest is the most problematic of the preventive measures, being an exceptional measure and being grounded on concrete evidence and not simple indications, which are insufficient for that purpose. Moreover, the specificity of the preventive arrest needs to be emphasized and as well the necessity of enforcing such a measure, since there is another

preventive measure – namely the house arrest – that can be decided by the judge of rights and freedoms, by the judge in the preliminary chamber or by the competent court for the same reasons as the preventive arrest.

10^{45} - 11^{00} **Coffee Break** (Ground floor)

Public Section

11^{00}-12^{00} (Amphitheatre C1)

Moderators:
Lecturer Ph.D. Daniela IANCU (University of Pitesti, Romania)
Lecturer Ph.D. Olivian MASTACAN (*Valahia* University of Târgovişte, Romania)
Lecturer Ph.D. Sorina ŞERBAN-BARBU (University of Pitesti, Romania)

Secretary:
Assistant Ph.D. Nicoleta ENACHE (*Valahia* University of Târgovişte, Romania)

- **ROMANIAN AGEING MIGRANTS IN THE WELFARE STATE**

Professor Ph.D. Ion IONESCU *(Alexandru Ioan Cuza* University of Iaşi)

Recently there has been increasing awareness of the fact that migrants are reaching the retirement age in the countries of destination, and some people choose to migrate after retirement. Most of the specialized studies on the ageing of the migrants in the Western countries focus on Italian, Portuguese, Spanish, ex-Jugoslav, Turkish people, etc. Little attention is given however to the group of Romanian migrants. Romanian people living in the "Welfare states" is heterogeneous. Some reached these countries as political refugees during the Comunism period, some others left abroad after 1989 either for economic reasons, or to bring their families back together, whereas others are temporary residents (for less than three months) so as to look after their grand children. There have been different economic contexts leading to the departure of Romanians who are very different one from another in terms of social status, education, involvement in the labor market, individual rights, strategies used to obtain the means of social protection and of keeping in touch with the ones who decided to stay in Romania. What formal and informal strategies do the

various groups of ageing Romanian migrants use in order to satisfy their welfare needs?

The communication deals with four main dimensions: the ageing of the migrants in the "welfare states" and effects; the transnational Romanian migrants ; strategies to meet welfare standards of living; communitary and national policies meant to provide welfare conditions for the ageing migrants. With a view to further analyze these transversal matters, both quantitative and qualitative methods were used. The quantitative analysis implied evaluating the overall population of the ageing Romanian migrants from different Western countries on the basis of a variety of databases. The qualitative research consisted of interviews and comprehensive conversations with ageing migrants and people from the networks of social security. Family members of the Romanian migrants were also involved into, in order to get accessible information regarding the analysis of the local policies for the ageing people, their social protection, strategies to meet welfare standards of living in the countries of origin , comparisons between different groups of Romanian migrants. The data and the information collected by two research teams (one for abroad and one for Romania) were used.

The exchange of information is crucial inasmuch as to acquire the capacity of comprehension and research, both in the case of the students in socio-human subjects and of the governers who ought to come up with policies concerning the migrants.

- **CONCEPTS AND HISTORICAL REFERENCES REGARDING THE CRIMINAL GUILT IN ANCIENT TIMES**

Senior Lecturer Ph.D. Viorica URSU (Technical University of Moldova, Free International University of Moldova, Republic of Moldova)

The contemporary reality cannot be separated from the past and the future. It is just a certain stage of development. This article contains the multilateral tendencies, often contradictory, of the past, which lead to a qualitative new situation. The guilt must be considered under the historical aspect and the concepts regarding the guilt, characteristic for a particular system of law and legal family in different eras, should be systematized in

*order to understand the essence of guilt as a legal phenomenon and to elucidate the actual contents of this category***.**

- **THE FOUNDATION OF LIABILITY OF STATES FOR WRONGFUL ACTS**

Lecturer Ph.D. Corina-Florenţa POPESCU (Ecological University of Bucharest, Romania)

State liability must be defined by reference to two interdependent elements, one that is objective, which is the violation of an international obligation of the state through a conduct attributed to it, and one that is subjective, resulted in an act or omission, which is attributed to the state under international law.

- **THE PROTECTION ORDER VS. RESTRAINING ORDER – THE FIGHT AGAINST DOMESTIC VIOLENCE**

Post-doctoral researcher Ph.D.Roxana-Gabriela ALBĂSTROIU (University of Craiova, Romania)

The social reality that goes beyond the juridical one determined the legislator to regulate the protection order an ways to combat the domestic violence, known in different forms, starting with the physical one to the social, economical and spiritual violence.

The area of the victim and the aggressor is pre-established, being determined by the legislator under the terms: "family member", without a limited configuration of the Protection Order towards the family members, as it was established by the general civil law, but a wider field of action, which includes the persons which are living together, even if between them it is not a legal relation of kinship or affinity.

Besides, by the way wich this protection mechanism is designed it interferes with the principles and rules relating to the protection of human rights, the privacy and family life, the principles enshrined in the Basic Law, rules of civil law, criminal law or procedural law.

The study aims to answer the following question: Which are the measures that can be taken in such case of violence? How can be applied

such a measure in our Romanian contemporary society? *Are we protected and outside the borders of the State?*

- **REGULATION OF STATE PENSIONS IN THE EU.**

Assist Ph.D. Nicoleta ENACHE, Assist Ph.D. Raluca STEFAN-ANDREIU (*Valahia* University of Târgovişte, Romania)

The free mouvement of people with in the European Union has also lead to the increase of the labor force free movement. Thus, people who have worked in more countries of the EU, are likely to have got pension rights from each of them. It is why, both from a social and especially from a practical point of view, the matter addresses this category of the work force. We are trying to clear up, as far as possible, the procedure of granting pensions, the necessary documents and the institutions where the people interested may ask information from, with direct référence to Romania and other few EU member states.

- **THE NECESSITY OF METHODS FOR DISCOVERING SIMULATED BEHAVIOR IN CRIMINAL CASES**

Ph.D. Candidate Costin UDREA (Titu Maiorescu University of Bucharest, Romania)

The introduction of a new criminal and criminal procedural code in the Romanian law represents a time of change, and a moment when current legislation can adapt and improve. This paper aims to bring forth arguments in favor of a type of means of evidence that is in accordance with the current technology and the ever-growing number of deception found in criminal cases. It is the difference between the plethora of means regarding the discovery of simulated behavior currently found in prevalence and the lack of nominalisation within the current code that must be adressed, in order to improve the legislation for a better application of the law.

- **CERTAIN CONSIDERATIONS ON LEGAL COERCION**

Ph.D. Candidate Oleg TĂNASE (Free International University of Moldova, Republic of Moldova)

The scientific analysis of the legal coercion subject is always performed in conjunction with state authorities - as public power. The study of this legal mechanism has as result the understanding of incompatibilities established toward the individual, the development of relationship between state and individual-as holder of rights and obligations, the deepening of the interaction between the state and the individual, etc. These reciprocal relations, in particular, highlight how the state honors its obligation to respect human dignity, human rights and freedoms.

For perception of this relation of reciprocity, its development over time, the emergence of this connection, is necessary to identify how the state treats people who came into conflict with the law, the state's attitude towards this person in general, the state concern for ensuring the respect of human dignity. These would be minimal diligences that would ensure a proper functionality between the state and the individual.

Public Section

11^{00}-12^{00} (Room C2)

Moderators:
Lecturer Ph.D. Cătălin BUCUR (University of Pitesti, Romania)
Lecturer Ph.D. Lavinia OLAH (University of Pitesti, Romania)
Lecturer Ph.D. Amelia SINGH (University of Pitesti, Romania)

Secretary:
Lecturer Ph.D. Manuela NIŢĂ (*Valahia* University of Târgovişte, Romania)

- **IDENTIFYING PEOPLE, OBJECTS AND LIFTING OBJECTS AND DOCUMENTS**

Lecturer Ph.D. Ivan ANANE (Ovidius University of Constanta)

Identification of people is a way of identifying tactics in order to contribute to the truth, as a psychological process easier for updating previously collected information does not require a great effort. Identification of complementary evidence is a process and results in obtaining evidence necessary to establish the truth. Objects which are assumed to contribute to finding the truth about a crime is presented for identifying, after identifying the person making them described previously. If these items can not be made to be presented, the person can be conducted to identify the location of objects. Where there is reasonable suspicion about the preparation or commission of an offense and shall be grounds for believing that an object or a document can serve as evidence in the case, the prosecuting authority or the court may order individual or legal possession of the to present and teach them, upon proof. Judicial body is bound to be limited to raising only objects and documents related to the offense committed; objects or documents whose circulation or possession is prohibited always rises.

- **THE SYSTEM OF SEARCHES**

Lecturer Ph.D. Ivan ANANE (Ovidius University of Constanta)

The search can be domiciliary, corporal, information or of a vehicle. House search may be ordered if there is reasonable suspicion of committing a crime by a person or at possession of objects or documents that relate to a crime and is supposed that the search may lead to the discovery and gathering of evidence about the this crime at preserving the traces of the crime or catching the suspect or defendant. The corporal search involves the examining of foreign body, mouth, nose, ears, hair, clothing, objects which a person has on himself or under his control at the time of the search. The search in the computer system is the process of research, discovery, identification and gathering evidence stored in a computer system or computer data storage medium, achieved through technical resources and appropriate procedures, capable of ensuring the integrity of the information contained therein. A search of a vehicle includes examining the exterior or interior of a vehicle or other way of transport or their components.

- **PENAL LIABILITY OF MINORS IN THE NEW PENAL CODE**

Lecturer Ph.D. Cătălin BUCUR (University of Pitesti, Romania)

Penal liability of minors shall be conditional upon the condition psycho-physics at different stages of minority. Of course, it is about the status bio-psycho-physics normal corresponding to each stage and not in cases of deficiencies or diseases which may affect normal state. Only when the bio-psycho-normal physical minor has reached this degree of development is penal liability for minor because only when minor is aware of the nature of criminal action or inaction. Up to the age of 14 years, A natural person may not be subject active offense requiring general criminal liability because person has not reached that degree of physical and mental development to enable an understanding of dangerous character action (inaction) and so it does not have discernment from the point of view criminal law, a presumption that it is established that there is no thinking is

absolute, To ensure that no circumstance can be proved unless it is shown otherwise, its existence.

- **STATE'S LEGAL LIABILITY IN THE FIELD OF HEALTHCARE**

Ph.D. Candidate Mariana GULIAN (Free International University of Moldova, Republic of Moldova)

The activities government undertakes in the field of healthcare need to be fulfilled in a reasonable, efficient and legal manner with the aim to obtain results free of any legal sanctions for the damage caused to the population. The author of this survey addresses the state's legal liability in the field of healthcare by studying the issue from different perspectives, the basis, conditions of such liability. The author also reveals the necessity to increase the state's liability in the given field so as to prevent the occurrence of legal liability.

- **ACCOUNTING FOR MORAL SUPERIORITY OF ELITES. POLITICAL ELITES CAUGHT BETWEEN NORMATIVE AND DESCRIPTIVE APPROACHES**

Ph.D. Candidate Roxana MARIN (Romanian Academy - Iaşi branch, Doctoral School of Political Science, University of Bucharest, Romania)

The present paper constitutes itself in an attempt to critically examine the chronologically and allegedly evolutionary perspective on the definition of "political elites" through moral, ethical lances. Employing comparatively the traditional Aristotelian, Italian "elitistic" and contemporary considerations (primarily the "democratic elitism" direction), the main argument put forward by the paper is that the present debate on the moral facet of the definition of "political elite" is, in effect, the reconciliation between two, long disputed manners of thinking about and identifying political elites: the classical normative and the descriptive approaches. Currently, it appears that the century-long opposition has dissolved in the midst of committed, seriously and extensively conducted empirical research, which managed to surpass both the norms and the standards imposed by Aristotle in distinguishing the "powerful few" and the

*observative, merciless descriptions of "political elites" by the Italian "elitists" and by American C. Wright Mills. The paper is structured on the basis of chronological and comparative standpoints, briefly tackling: (1) the preliminaries of Aristotelian normative approach on elites; (2) the presentation of the basic coordinates of the descriptive approach, marking the definitive shift in defining and dealing with elites at the beginning of the 20th century, and (3) the critical evaluation of the "reconciliatory" achievements of the contemporary debate centered on "democratic elitism" and on vast, comprehensive empirical – particularly quantitative – efforts. Making recourse to the philosophical and sociological contributions that pioneered the study of political elites, this essay discusses the evolution of the moral view on elites, from the hints provided by Aristotle, when inquiring into the virtues and vices of the patricians in the agora, and by Machiavelli, when postulating the "*virtu*" of the leading princes in dealing with the affairs of the state, to the Italian "classics", with their profoundly sociological observations on the contemporary leadership, and the Schumpeterian procedural, instrumental and minimalistic conception of "democratic elitism" and its recent exegetes.*

- **RELEVANT LEGISLATIVE INITIATIVES AND CHANGES IN THE FIELD OF LOCAL PUBLIC ADMINISTRATION**

Lecturer Ph.D. Mihai -Cristian APOSTOLACHE („Petroleum-Gas" University of Ploieşti, Romania)

The article draws attention on the legislative changes in the matter of local public administration, together with certain initiatives under debate in both Houses of the Parliament of Romania concerning local public administration. Social changes and the permanent need to keep up with these changes at a normative level, as well as the interests of certain policy makers to replace a legislative solution with another which better reflects these interests, give rise to changes and amendments to the normative framework and imprint a new vision of certain legal institutions.

- **LEGAL NATURE OF JURISDICTIONAL IMMUNITY**

Ph.D. Candidate Andon ALA (Free International University of Moldova, Republic of Moldova)

Jurisdictional immunity is an exception to be made to the general principle according to which any person is subject to local jurisdiction. In relation to the principle of international law which states that foreigners are in a State under its territorial jurisdiction and, accordingly, are bound by the laws of that State, sovereign immunity is a treatment that is given in special missions and their members, thus constituting a removal from operation of law, a legal sanction making shelter. This deviation from the principle meets a need and there is no doubt that diplomatic immunity and inviolability is an indispensable condition without which relations between states would be impracticable.

Jurisdictional immunity, removing from the jurisdiction of the receiving State or the protection of the law against it, addresses the need to ensure complete independence diplomatic agent shall have full discretion to be able to exercise its functions. In this regard Hugo Grotius remarked: "Omnis coactio Abes of legato debet" and the Court of Appeal in Rome said on 12 July 1933 in Case Salm C.Frazier "principle of immunity from jurisdiction of diplomatic agents is based on the interest of states that maintain diplomatic relations between them, to ensure respect and independence of their representatives".

12^{00}-12^{30} **Closing of the Conference**
(Amphitheatre C1)

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